

# DrinkerBiddle&Reath LLP

Barry Gross  
215-988-2782 (Direct Dial)  
215-988-2757 (Fax)  
barry.gross@dbr.com

## Law Offices

One Logan Square  
18TH and Cherry Streets  
Philadelphia, PA  
19103-6996

215-988-2700 phone  
215-988-2757 fax  
www.drinkerbiddle.com

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February 29, 2008

Honorable Judith G. Dein  
United States Magistrate Judge  
United States District Court for the District of Massachusetts  
John Joseph Moakley United States Courthouse  
1 Courthouse Way, Courtroom 15, 5th Floor  
Boston, MA 02210

**Re: *Encompass Insurance Company v. Ciampa, et al., No. 05-cv-1163-RCL***

Dear Judge Dein:

Pursuant to Your Honor's Order of February 15, 2008, attached please find the parties' joint proposed scheduling order for the remainder of the case through trial. In crafting this proposed order, the parties attempted to follow the form of the existing scheduling order and to maintain similar time intervals between various events in the existing order. But this proposed order accounts for (a) time related to the current stay and (b) time required due to the substitution of plaintiff's counsel.

Should the Court have any questions or concerns, the parties respectfully request a telephone conference with the Court to discuss the matter. I thank the Court for its consideration.

Respectfully,



Barry Gross

BG/mab  
Enclosure

cc: Kevin J. Lesinski, Esq. (w/ encl.)  
Matthew J. Conroy, Esq. (w/ encl.)  
Thomas M. Ciampa, Esq. (w/ encl.)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ENCOMPASS INSURANCE COMPANY )  
OF MASSACHUSETTS, )

Plaintiff, )

v. )

JOSEPH D. GIAMPA, et al., )

Defendants. )

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Civil Action No.: 05-11693-RCL

**JOINT PROPOSED SCHEDULING ORDER**

In accordance with Fed. R. Civ. P. 16(b), it is hereby ORDERED as follows:

1. The parties shall comply with the following schedule:
  - a. Due to the incapacitation of Plaintiff's former lead attorney, Richard King of Smith & Brink, P.C., and the substitution of new counsel for Plaintiff, all discovery is stayed in the case until **April 30, 2008**.
  - b. Plaintiff shall have the option to withdraw its expert disclosures and serve new expert disclosures by **June 30, 2008**.
  - c. Defendants shall serve their expert disclosures (whether in response to Plaintiff's original disclosures or in response to new disclosures) by **July 31, 2008**.
  - d. Counter-claimants shall serve their expert disclosures by **June 30, 2008**.
  - e. Counter-defendant shall serve its expert disclosures in response by **July 31, 2008**.
  - f. The parties shall complete all fact discovery by **August 31, 2008**.
  - g. The parties shall complete all expert discovery by **September 30, 2008**.
  - h. The parties shall file any motions for summary judgment by **October 31, 2008**. Any responses to summary judgment motions shall be due by **November 30, 2008** (or 30 days after the motion is filed).
  - i. Any concise statement of material facts that is filed pursuant to Local Rule 56.1 in opposition to a motion for summary judgment shall include

numbered paragraphs admitting or denying, paragraph by paragraph, the facts contained in the moving party's concise statement of material facts.

j. This case shall be set for trial on **February 2, 2009**.

2. The next status conference shall be held on the date as further ordered by this court and shall be held in Courtroom #15 on the 5<sup>th</sup> floor. At that time the parties shall be prepared to discuss:

- i. the status of the case;
- ii. scheduling for the remainder of the case through trial;
- iii. use of alternative dispute resolution ("ADR") programs; and
- iv. consent to trial before the Magistrate Judge.

3. The parties shall submit a brief joint statement no later than five (5) business days before the conference addressing the issues itemized in paragraph 2 above. With respect to the use of ADR and having the matter tried by the Magistrate Judge, the parties shall indicate whether an agreement has been reached, but are not obligated to identify their respective positions.

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Judith Gail Dein  
United States Magistrate Judge

Dated: \_\_\_\_\_, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on this day the foregoing Joint Proposed Scheduling Order was filed electronically with the Clerk's Office for the U.S. District Court for the District of Massachusetts and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing. Paper copies will be sent to those indicated as non-registered within twenty-four (24) hours of this filing.

Dated: February 29, 2008.

/s/ Jonathan R. Hausner  
Jonathan R. Hausner